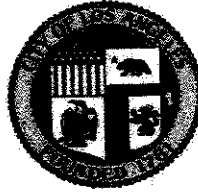


CITY OF LOS ANGELES
CALIFORNIA



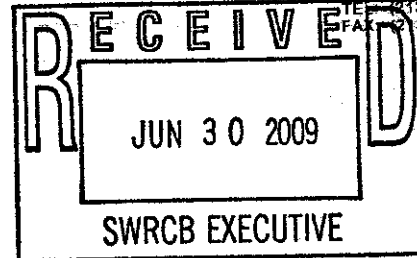
ANTONIO R. VILLARAIGOSA
MAYOR

BOARD OF
PUBLIC WORKS
COMMISSIONERS
CYNTHIA M. RUIZ
PRESIDENT
JULIE B. GUTMAN
VICE PRESIDENT
PAULA A. DANIELS
PRESIDENT PRO TEMPORE
ERNESTO CÁRDENAS
VALERIE LYNNE SHAW

DEPARTMENT OF
PUBLIC WORKS
BUREAU OF SANITATION
ENRIQUE C. ZALDIVAR
DIRECTOR
TRACI J. MINAMIDE
CHIEF OPERATING OFFICER
VAROUJ S. ABKIAN
ADEL H. HAGEKHALIL
ALEXANDER E. HELOU
ASSISTANT DIRECTORS

1149 SOUTH BROADWAY, 9TH FLOOR
LOS ANGELES, CA 90015
TEL (213) 485-2210
FAX (213) 485-2979

June 30, 2009



Charles R. Hoppin, Chair and Board Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

ATTN: Jeanine Townsend, Clerk to the Board

**Subject: Comment Letter-Landscape Irrigation General Permit (6/18/09 Draft) -
7/7/09 Board Meeting**

Dear Chair Hoppin and Members of the Board:

The City of Los Angeles' Bureau of Sanitation (Bureau) appreciates the opportunity to submit technical comments on the *Draft 6/18/09 General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (Draft General Permit)*. The Bureau would like to commend the State Water Resources Control Board (SWRCB) for working with stakeholders in developing a Draft General Permit that streamlines the permitting process for irrigating with recycled water.

Recycled water is a valuable resource in the State of California. The City of Los Angeles was actively involved in the development of the Recycled Water Policy, adopted by your Board in early February 2009, and strongly supported AB 1481 (De La Torre). The intent of AB 1481 was to develop and adopt a General Permit that increases the safe and reliable use of recycled water for landscape irrigation uses and reduces reliance on alternative water sources. Both the Policy and AB 1481 were aimed at streamlining the permit process for landscape irrigation with recycled water and increasing its use statewide.

While the Bureau appreciates the efforts of the SWRCB, the present Draft General Permit does not go far enough in removing regulatory burdens to fully encourage the use of recycled water for landscape irrigation statewide. As drafted, many agencies statewide will likely choose not to "opt in" for coverage under this General Permit because of unnecessary record keeping and inspection requirements.

As an overall comment, the Draft General Permit continues to refer to recycled water as a waste constituent. In keeping with the nature of the Recycled Water Policy and indicating the



importance of the beneficial use of recycled water, the Bureau believes that recycled water should not be referred to as a waste. If our goal is to encourage the use of recycled water, the General Permit should use terminology such as "the application of recycled water" and refrain from describing its use as an application of a waste constituent.

The Bureau strongly supports the Recycled Water Policy's emphasis on streamlining and simplifying permitting for landscape irrigation projects using recycled water. The sustainability of the State's future water supply and economy depends upon increased recycled water use. The Bureau offers the following comments in the attachment to this letter that will hopefully lead to positive revisions in the present draft and encourage the increased use of recycled water for landscape irrigation.

The Bureau also thanks the SWRCB in advance for consideration of these comments. If you should have any questions regarding the Bureau's comments, please contact H.R. (Omar) Moghaddam at (310) 648-5423 of the Regulatory Affairs Division.

Sincerely,


ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

Attachment 1

cc w/attachment:

Tracy Egoscue, California Regional Water Quality Control Board – Los Angeles Region
Cynthia Ruiz, Board President, Board of Public Works
Rafael Prieto, Chief Legislative Analyst Office
S. David Freeman, Mayor's Office
Michael Mullin, Mayor's Office
James McDaniel, LADWP
James Yannotta, LADWP
Katherine Rubin, LADWP
Kurt Wells, LADWP
Enrique Zaldivar, Bureau of Sanitation/EXEC
Traci Minamide, Bureau of Sanitation/EXEC
Varouj Abkian, Bureau of Sanitation/EXEC
Adel Hagekhalil, Bureau of Sanitation/EXEC
Hiddo Netto, Bureau of Sanitation/WRD
Masahiro Dojiri, Bureau of Sanitation/EMD
Brent Lorscheider, Bureau of Sanitation/WESD
Omar Moghaddam, Bureau of Sanitation/RAD

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments on Draft 6/18/09 General Permit

The City of Los Angeles Bureau of Sanitation (Bureau) offers the following technical comments regarding the *Draft 6/18/09 General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (Draft General Permit)*:

Prohibition 5, Page 12

As written, Prohibition 5 limits the use of recycled water to landscape irrigation only; other uses of recycled water such as street cleaning or in cooling towers would not be allowed. This paragraph should be clarified and the words "pursuant to this General Permit" be inserted. If Prohibition 5 is changed as stated above, then Prohibition 4 should be deleted as it would be unnecessary.

The Bureau requests that Prohibition 5 be clarified to read as follows: "The use of recycled water for uses other than landscape irrigation uses, pursuant to this General Permit, is prohibited." The Bureau also requests that Prohibition 4 be deleted.

Provisions Section C4, page 16

The Bureau requests that a definition for Recycled Water Use Supervisor be added to the "Attachment A, Definitions."

Provisions Section C5(b)(iii)&(v), Page 17

Section C5 (b) would require obtaining specific information from individual users to be contained in the Irrigation Management Plan, including plant species to be irrigated (subparagraph iii) and the use of chemical fertilizers (subparagraph v). The Bureau in its previous letters has stated that multiple plans and individualized irrigation management plans would deter and delay future landscape irrigation projects. These requirements are inconsistent with the Recycled Water Policy, which requires only each site to be "subject to" an Operations and Maintenance (O&M) Plan and therefore, may apply to multiple sites.

The Bureau request that this section be clarified to not require individualized Irrigation Management Plans and that subparagraphs (iii) and (v) be deleted.

Provisions Section C5(f)(i), Page 18

The training requirement of the O&M Plan specifies continuing education for Recycled Water Use Supervisors. The Bureau supports the training and updating the education of Recycled Water Use Supervisors. However, the Bureau is concerned with the use of the word "continuing education" since it could imply the need for continuing education "credits". The Bureau believes that in-house training, and the development of flyers and other public outreach materials will allow an Administer to tailor training to the specific needs of a user and site supervisor.

The Bureau requests revising the first sentence to read: "Documentation of or examples from a training program including continuing periodic education for Recycled Water Use Supervisors."

Provisions C7, Page 19

Provision C7 requires amending the approved Title 22 Engineering Report for each new use site added. The Bureau believes that the addition of new individual irrigation use sites should not require a formal amendment to a Title 22 Engineering Report provided that each new site is inspected and approved by the local public health agency. In addition, the draft MRP requires the identification of all irrigation use areas in the annual report.

The Bureau requests that this paragraph be revised to read:

~~"Amendments to the approved Title 22 Engineering Report (e.g. for "new use sites" not included in the approved Title 22 Engineering Report) shall be approved by CDPH. The Administrator shall include amendments to the approved Title 22 Engineering Report relating to landscape irrigation and copies of approval letter(s) prepared by CDPH regarding such amendments to the Title 22 Engineering Report in the annual report submitted to State Water Board."~~

Provisions Section C9 – Quarterly Inspections

The Bureau supports inspections of recycled water use areas; however, not all use areas are created equally. For example, a highway median that has little if any human contact does not need to be inspected quarterly. The Administrator and Site Supervisor will be the individuals most familiar with site-specific conditions and are the most qualified to judge frequency of inspections. Good faith judgment of the Administrator based on the size and complexity of the use area should govern the frequency of inspections. Current permits require annual inspections, which have shown to be adequate. The inspection frequency should remain consistent with other permits already in place.

Furthermore, requirements for "regular inspections" to ensure no cross connections and that air-gap devices are installed and operable is not necessary. Cross connections and air-gap requirements are governed by Title 22.

The Bureau believes that periodic inspections are more appropriate and requests that the State Board remove "at least quarterly" from the General Permit. The Bureau also requests that the State Board should remove the last sentence and replace it with the exact language governing cross-connections and air-gaps as found in Title 22.

Provisions Section 16, Page 20

Section 16 requires the notification of the appropriate Regional Board and the California Emergency Management Agency (CalEMA) to be notified in case of an incident of non-compliance. Notification of CalEMA is to be done in case of a hazardous substance spill. Recycled water is not a hazardous substance and notifying CalEMA would be inappropriate.

The Bureau requests that the notification procedures be changed, omitting the requirement to contact CalEMA.

MRP Recycled Water Production and Use (Page 1 Table) – Application and Loading Rates

The Bureau supports tracking the volume of recycled water, the number of use basins, and total area of application. However, the Bureau believes that tracking "Volume of additional water", "additional" sources of chemical or organic fertilizers, or "additional" sources of salinity for each "use area" will unnecessarily burden recycled water users. It would be difficult for an Administrator to track the "volume of additional water" from impoundments, cisterns, precipitation, gray and potable water sources, especially when multiple use sites are involved. Furthermore, tracking the use of "any other chemical or organic fertilizers used in the Recycled Water Use Area" and "salinity characteristics of any additional sources of salinity" would be impracticable, burdensome, and unnecessary.

The Bureau is not opposed to tracking or reporting the nutrient or salinity content in its recycled water. However, having to track and report the amount of fertilizer or additional sources of salinity for each use site, especially for large programs, would be burdensome. These types of requirements will not encourage the use of recycled waters nor was this the intent of the Recycled Water Policy under its streamlined permitting provisions. Eventually, salt and nutrient management plans will be developed and approved that will provide for the protection of groundwater basins.

The requirements of this section place additional burdens on recycled water users that are not placed on potable water users. We do not ask potable users to track the amount of fertilizer that they apply. The Bureau believes that in the interim prior to the approval of basin wide salt and nutrient management plans, the BMPs contained in this permit will be adequate to protect groundwater basins. The requirements in the Monitoring Reporting Program go far beyond what is now required in permits statewide.

The Bureau requests the removal of the requirement to track the "Volume of Additional Water" from the MRP Table and footnote number 3.

The Bureau also requests that footnote 4 be revised as follows: "Total nitrogen application rate shall consider nutrients contained in the recycled water, based on monthly analytical data provided by the Producer to the Regional Water Board as well as any other chemical or organic fertilizers used in the operation of the Recycled Water Use Area."

The Bureau also requests that footnote 6 be revised as follows: "Salinity application rate shall be calculated using the applied volume of recycled, actual application area, and the most

recent results for the concentration of total dissolved solids in the recycled water, and the salinity characteristics of any additional sources of salinity."

MRP Recycled Water Production and Use, Page 3

The last paragraph of this section that begins with "By the 15 of March each year..." describes how and when information is to be obtained from the User. Neither the State Board nor the Regional Board should prescribe the how information is obtained from the Users.

The Bureau requests that this paragraph be removed as any information exchange would be conducted under an agreement between the Administrator and the User.